

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5782 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
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MAHUVA MUNICIPALITY

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5782 of 1984
MR KG VAKHARIA for Petitioner No. 1
MR BR GAJJAR, AGP for Respondent No. 1
NOTICE SERVED for Respondent No. 2-3
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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 18/09/2001

ORAL JUDGEMENT

1. The petitioner Mahuva Municipality challenges the notice dated 16.7.1984 issued by the Collector, Bhavnagar, respondent no.2 claiming recovery of Rs. 11,96,491.53 being the charges for use of river water of

river Malan by the petitioner municipality for the people of Mahuva.

2. At the time of hearing of this petition, learned Counsel Mr. Vakharia placed on record a copy of the order dated 9.8.1984 passed by the respondent no.2 informing the petitioner that the impugned notice dated 16.7.1984 is withdrawn. In that view of the matter, in my opinion, the grievance made by the petitioner now no more survives. This petition is accordingly disposed of as having become infructuous with liberty to file a fresh petition in case the recovery proceedings are initiated by the respondents. Needless to say, it will be open for the petitioner to raise all the contentions as raised in this petition along with other contentions available, if any.

Rule is discharged with no order as to costs.

(K.R.Vyas, J.)

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